UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/317/Add.1
20 July 1998

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Eleventh periodic reports of States parties due in 1997

Addendum

Italy*

[10 March 1998]

* This document contains the tenth and eleventh periodic reports due on 4 February 1995 and 1997, respectively, in one document. For the eighth and ninth periodic reports of Italy and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/237/Add.1 and CERD/C/SR.1075, 1076 and 1077.

The annexes to the report submitted by the Government of Italy may be consulted in the files of the Secretariat.

GE.98-17213 (E)

Introduction

1. The present report intends to give an overall view of the developments in Italy with respect to the Convention for the period 1994-1997. During these years the cases of intolerance that have been reported period have drastically diminished in number and importance. Notwithstanding a substantial increase in the number of non-EU citizens entering Italy (especially Albanians, Kurds, citizens of ex-Yugoslavia), there appears to be a widespread improvement in Italy in respect for the principles of the Convention.

2. The present report, like the previous ones, has been prepared by the Italian Interministerial Committee for Human Rights, set up in 1978 by the Ministry of Foreign Affairs.

Article 2: Action by the State

3. During the reporting period, Italy again reaffirmed its firm position on the safeguarding of the right not to be discriminated against on the grounds of race, language, religion or political opinions which is based on the principles enshrined in the Italian Constitution. The Italian Government has also ratified and adopted into its legislation some important international conventions: the Agreement on the European Economic Area (Law 388 of 30 September 1993); the European Convention on the Participation of Foreigners in Public Life at Local Level (chapters A and B); the Additional Protocol to the European Social Charter drawn up and submitted in Strasbourg in 1988; the Brussels Convention of 29 March 1991 (Law 639 of 3 November 1994).

4. It should be recalled that over the last few years, particularly from 1996, repeated cases of sudden and excessive flows of non-EU citizens into Italy have been recorded. Sometimes these cases have been tackled with unjustified dramatic attitudes even though markedly discriminating behaviour has never been recorded against these citizens. Therefore, we deemed it necessary to coordinate the measures to be adopted by the political bodies in charge of migration and the initiatives taken by the authorities to face the serious problems incurred in hosting such a large number of people.

5. The Italian Government - through the Ministry for Family and Social Solidarity - has taken some measures; furthermore, it has appointed an ad hoc commissioner for migration from non-EU countries who has been entrusted with the task of monitoring the inflow of non-EU citizens into Italy; it has encouraged and stepped up steady coordination between the Social Affairs Department of the Presidency of the Council of Ministers, ministries and the relevant administrative bodies (particularly the "Consulte" acting at regional level).

6. In the period 1993-1996 not many reports were filed of crimes connected with racial discrimination. Most crimes against non-EU citizens took place in the context of organized crime; non-EU citizens have often been the perpetrators of crimes against other non-EU citizens. In particular, though

national data are not available in this respect, the illegal placing of manpower - often managed by other non-EU citizens - is the sector in which crimes against non-EU citizens have been most frequently perpetrated.

7. The problems linked to ethnic and racial discrimination are being tackled by the Ministry for Internal Affairs and the Department for Public Security which have issued specific directives to the local police forces. Isolated cases of racial discrimination have always been dealt with in a timely manner, especially after the coming into force of the specific provisions of Decree-Law 122/1993, by using the most up-to-date methods of policing.

8. The number of crimes related to racial and ethnic discrimination amounted to 327 in 1994; 74 in 1995 and 124 in 1996. The number of people arrested for these crimes amounted to 13 in 1994, 9 in 1995 and 37 in 1996.

9. Considering the importance of the above-stated legislative measures, further information is provided in the commentary on articles 4, 5 and 7 of the Convention supplemented by data and statistics which will provide greater detail on these matters.

Article 3: Apartheid

10. As already explained in previous reports, the political position adopted by the Italian Government as regards racial discrimination has always been characterized by a clear and outspoken condemnation of any form of racial segregation or apartheid.

Article 4: Condemnation of racial discrimination

11. The previous report provided a summary of the provisions of Decree-Law 122 of 26 April 1993 (converted into Law 205 of 25 June 1993) which envisaged "urgent measures as regards racial, ethnic and religious discrimination". These provisions partially modified those contained in the previous Law 654 of 13 October 1975 which ratified and executed the Convention.

12. The replacement of article 3 of Law 654 of 1975 with article 1 of Decree-Law 122 of 26 April 1993 is one of the most significant innovations. It provides for a criminal penalty to be imposed on those who disseminate ideas based on superiority or racial and ethnic discrimination and who instigate others to commit or who themselves commit racist or discriminatory acts, violence or incitement to violence on racial, ethnic, national or religious grounds. Further criminal cases are also envisaged with reference to organizations, associations, movements or groups aiming to incite to discrimination or violence on racial, ethnic, national or religious grounds. Therefore, behaviour involving the dissemination of or the incitement to racist or discriminatory ideologies or the carrying out or instigation to any form of violence on racial, ethnic, national or religious grounds is considered to be a crime.

13. Furthermore the creation of organizations, associations, movements or groups aiming to promote or incite to discrimination or violence on racial,

ethnic, national or religious grounds is forbidden. The law lays down that all perpetrators, aiders and abettors shall be punished (the penalty shall be commensurate with the role played by each) and that such organizations, associations, movements or groups shall be disbanded. Moreover, national and local authorities cannot promote or incite to discrimination or violence on racial, ethnic, national or religious grounds.

14. Another important innovation lies in article 3 of Decree-Law 122 of 26 April 1993 which envisages the introduction in the criminal law system of a new aggravating circumstance applicable to any crime perpetrated on racial, ethnic, national or religious grounds or to facilitate the activity of organizations, associations, movements or groups espousing hatred: for crimes punishable with penalties other than life imprisonment, the penalty is increased by up to one half (aggravating circumstances having a cumulative effect entail an increase in the penalty by up to one third (article 64, paragraph 1, of the Criminal Code)). In addition, under this rule a judge may not consider this aggravating circumstance as equivalent to or mitigated by other circumstances (in the Italian system, when in a specific case both aggravating and mitigating circumstances exist, the judge usually may assess whether the latter circumstances prevail or whether the two are equivalent and may apply, respectively, the reduction in sentence envisaged for the mitigating circumstances or the penalty which would be imposed if none of those circumstances existed (article 69, paragraphs 2 and 3, of the Criminal Code)).

15. Decree-Law 122 of 1993 has also introduced other forms of crimes so as to punish behaviour such as the show, display or manifestation of emblems or symbols of organizations, associations, movements or groups inciting to discrimination or violence on racial, ethnic, national or religious grounds. In particular, such behaviour shall be punished when it takes place at public meetings or in places where sports events are organized. The forms of crimes envisaged by the lawmakers to eradicate all forms of racial, ethnic, national or religious discrimination or violence are characterized by particularly severe penalties so as to bear witness to the specific attention paid by Italian lawmakers to the prevention and repression of these crimes.

16. Finally it is appropriate to recall that through Decree-Law 122 of 1993 the lawmakers intended to make the activities to prevent and repress these specific forms of crimes more incisive. In particular, the following has been envisaged: a series of additional penalties that the judge shall apply when deciding to convict for one of the crimes under examination (art. 1, para. 1 bis); specific preventive measures to effectively avoid the perpetration of these crimes at public meetings or during sport events (art. 2, paras. 2 and 3); specific powers conferred on the law enforcement agencies to search and seize buildings and premises used by the criminals as meeting places, depots, shelters or for any other activity connected with these crimes (art. 5); specific trial provisions envisaging, inter alia, arrest of those caught in the act of committing these crimes and compulsory prosecution, (art. 6); finally, the precautionary suspension and disbanding of organizations, associations, movements or groups favouring the perpetration of these crimes (art. 7).

17. With reference to the crimes under article 3, paragraph 3, of Law 654 of 1975, in the text replaced by article 1 of Decree-Law 122 of 1993, converted into Law 205 of 1993, the Supreme Court has clarified that in forbidding "any organization, association, movement or group aiming to incite to discrimination or violence on racial, ethnic, national or religious grounds", the law does not necessarily mean that such behaviour by an organization etc., necessarily entails "subversive acts against the democratic order" (First Division ruling 556 of 16 March 1994). Indeed, even though the illegal aims pursued by such groups can undoubtedly be considered in contradiction with several principles enshrined in the Constitution, in particular the principle of equality under article 3, such aims are not necessarily subversive; they can be taken as such only when the aim pursued by the criminal activity is not only disseminating ideas or demonstrating behaviour which runs counter to the values protected by the Constitution, but also achieving a de facto political upheaval which radically changes the institutional set-up of the State causing it to lose its specific and necessary characteristics of democracy.

18. The aims that Italian lawmakers intended to pursue through the introduction in the legal system of specific rules to eradicate all forms of racial, ethnic and religious discrimination can be considered to have been effectively reached. That remarkable results have been achieved emerges from an analysis of the last two years.

19. From the viewpoint of prevention, the timely implementation of these rules, especially article 2 of Decree-Law 122 of 1993 (containing provisions to prevent the show, display or manifestation of emblems or symbols of organizations, associations, movements or groups inciting to discrimination or violence on racial, ethnic, national or religious grounds at public meetings or sports events), has had such successful results that great concern has been voiced by "Skinhead" extremist groups who harshly criticize this Law and denounce it as "liberticide".

Article 5: Equal opportunities

20. With reference to article 5 of the Convention, Italy has reaffirmed in previous reports its political, legislative and jurisdictional stance as to the guarantees that each State Party shall provide so as to ensure that every individual really enjoys fundamental rights without discrimination on racial, ethnic, national or religious grounds, as well as equal treatment before the Italian law. It has to be highlighted, however, that the Italian Government has worked out a more precise discipline with reference to some sectors regulated by article 5 of the Convention.

Entry and stay of aliens

21. Law 388 of 30 September 1993, which ratified Italy's adhesion to the Schengen agreement, added paragraphs 12 bis, 12 ter and 12 quater to article 4 of Law 39 of 28 February 1990. The first two paragraphs allow an alien to stay in Italy, even though he entered Italy and stays there irregularly, when there are serious reasons for it - mainly humanitarian reasons or reasons stemming from Italy's constitutional or international obligations.

Conversely, paragraph 12 quater envisages the possibility of immediately escorting an alien to the border when his permit to stay is refused or revoked and the above-stated serious reasons do not exist.

22. Further changes to Law 39/90 have been introduced by Law 296 of 12 August 1993 containing "new measures on treatment in prisons and deportation of aliens". This Law envisages the deportation - upon request - of an alien held in custody or convicted of specific crimes as an alternative measure to imprisonment (art. 7, paras. 12 bis, 12 ter and 12 quater).

23. Law 296 of 1993 introduced the rule whereby an alien who destroys his identity document to avoid deportation (art. 7 bis) has to be punished; in its ruling 344 of 1995 the Constitutional Court found that that rule was unconstitutional in the part where it envisaged penalties also when said alien "does not endeavour to have the necessary travel document issued by the relevant diplomatic or consular authorities".

24. Decree-Law of 18 November 1995 containing "urgent provisions on migration policy and the regulation of non-EU citizens' entry and stay in Italy" envisages the possibility for non-EU citizens in Italy on 19 November 1995 to submit an application to be regularized for employment or family reunion reasons by 31 March 1996. This Decree has been repeatedly reiterated but has not been converted into law by Parliament; however, the effects produced by it have been guaranteed by Law 617 of 9 December 1996.

25. Following the emergency situation due to the exceptional inflow of Albanians to Italy caused by the political crisis in that country, Decree-Law 60 of 20 March 1997 was enacted providing for "extraordinary measures to face the exceptional inflow of non-EU citizens coming from Albania". This Decree, converted into Law 128 of 19 May 1997, allows the temporary stay for humanitarian reasons thanks to a special provisional "authorization" to enter and stay in Italy, valid for 60 days and renewable for a further 30 days. If the authorization is either refused or revoked assistance is envisaged, where necessary, and subsequently that citizen is escorted to the border by the police and deported.

26. Parliament is currently examining a bill containing "rules on migration and on the situation of aliens", aiming at systematically regulating migration. This bill, consisting of 46 articles, is designed to solve three crucial issues: (1) the fight against illegal immigration through stricter penalties and deportations which are made more effective by police escorting illegal immigrants to the border and, where necessary, their stay in ad hoc patrolled centres for a maximum period of 30 days; (2) government planning of migration inflows on a three-year basis and the setting of yearly quotas; (3) the adoption of strategies to integrate those aliens regularly living in Italy. The rationale behind this initiative lies in stricter rules against illegal migrants and a wider recognition of civil rights - including the right to vote in local elections - for those who have been regularly living in Italy for at least six years.

Right to equal treatment before the courts and other legal bodies

27. Over the last 10 years the treatment of non-EU citizens in prisons has been the subject of a significant regulatory revision which, unfortunately, failed to resolve certain issues. This is particularly serious if we consider that out of an overall number of 50,397 prisoners at 31 March 1994, 17 per cent were aliens, with 6,978 from outside the EU. This percentage is expected to gradually increase, especially in large cities, thereby posing problems mainly related to the protection of the right to health, employment, equal treatment and rehabilitation opportunities.

28. Indeed, although there is no legal discrimination, alien prisoners encounter objective difficulties for the following reasons:

(a) Communication difficulties (language barriers, cultural and religious differences);

(b) Economic difficulties;

(c) Difficulties in maintaining family relations inside and outside prison;

(d) The impossibility, in most cases, of benefiting from alternative measures, including precautionary measures other than imprisonment, and of securing permits to work outside due to the lack of logistical support and references;

(e) Difficulties in planning rehabilitation initiatives since most of the persons concerned will be deported.

29. In order to mitigate the hardships of these particular prisoners, many literacy courses in Italian have been organized and the prison authorities have been made aware of the need to facilitate the exercise of consular functions. The Ministry of Labour has stated its willingness to issue an authorization to work for the limited period of the execution of the penalty when an alternative measure entailing employment is decided.

30. Basic shortcomings can be already identified in the Law on Prisons 354 of 26 July 1975, the first law to reform the Italian prison system. Even though it states in principle that the treatment of aliens in prisons is absolutely unbiased and without discrimination on the basis of nationality, race, economic and social conditions, political opinions and religious beliefs, in practice there is no real guarantee that foreign citizens in prison will be treated like Italians. This difference in treatment is to be found in particular as regards rehabilitation (article 13 of the Law) and some other aspects linked to detention such as education, religion and relations between the prisoner and the outside world and his family (art. 15). Therefore, this poses problems when envisaging alternative measures to detention for both Italians and foreigners - which is allowed under this new set of rules.

31. Indeed education is one of the fundamental elements of programmes of social rehabilitation in prisons. Prisoners shall be guaranteed the right to

study through the organization of courses at primary and secondary levels and vocational training. This, however, tends to exclude foreign prisoners since many of them do not know the Italian language. Rehabilitation also envisages the need to ensure absolute freedom to profess one's religious faith, deepen one's religious knowledge and observe the rites and ceremonies of one's religion. This right is seriously undermined when religious assistance and the celebration of rites by the respective ministers of religion are conditional upon an appointment by the Ministry for Internal Affairs on the basis of rarely reached arrangements with the representatives of the various religions. Also, the relations between the foreign prisoner and the outside world and his family - which are considered fundamental elements for the social rehabilitation of each individual - are seriously jeopardized.

32. Owing to the failure to implement all these elements of treatment in prisons, foreign prisoners are evidently denied the most significant part of prison law, namely probation, which is a prerequisite for starting either employment or education activities or activities useful to social rehabilitation. In view of this situation, the Italian Government changed its position by depositing the instrument of ratification with the Secretary-General of the Council of Europe on 30 June 1989 to guarantee the entry into force of the European Convention on the Transfer of Sentenced Persons.

33. At the domestic level Italy's activity in this regard has been characterized by three main legislative measures:

(a) Circular letter 27/93 of 15 March 1993 by which the Ministry for Labour and Social Security, following arrangements reached with the Ministry of Justice, provided some guidelines to the provincial labour offices as to the possibility of sending non-EU prisoners to work outside the prison or put them on probation; in particular, those offices may issue an ad hoc document for the purposes of training and working, irrespective of whether the individual is on the unemployment register or possess a residence permit.

(b) Law 296/93 amending Decree-Law 187/93 containing "new measures on treatment in prisons and deportation of aliens"; in particular, as regards treatment in prisons, this Law has tried to facilitate foreign prisoners' contacts with their families through letters and phone calls, by permitting unrecorded phone calls except when the prisoner has been charged with or sentenced for serious crimes involving drugs, murder, robbery, extortion and terrorist or subversive activities.

(c) Ministerial Decree 569 of 4 August 1994 containing the rules to determine ways and means to execute the additional penalty of carrying out unpaid activities for the community in cases of sentences for crimes committed on racial, ethnic, national or religious grounds and for genocide. Such activities may include maintenance and restoration of State or private buildings; work for social assistance and volunteer organizations; activities for civil and environmental protection and for the maintenance of hospitals and nursing homes, gardens, villas and parks (art. 1). The judge determines the duration of the prisoner's work in agreement with the Ministry of Justice

and State bodies and private organizations (art. 2). The public prosecutor entrusts the law enforcement agencies with carrying out periodic checks on the prisoner's work (art. 3).

Deportation of aliens

34. As to the deportation of aliens from Italian territory, reference shall again be made to Law 296 since this issue is closely linked to the considerations already expressed with reference to treatment in prisons, in particular the situation of non-EU prisoners. Indeed, deportation is considered the main tool capable for partially solving the long-standing problem of overcrowded Italian prisons: non-EU prisoners account for 17 per cent of the total number of prisoners and only 1 per cent have been deported under the law.

35. Deportation may be decided in respect of non-EU citizens, be they under investigation, accused or sent up for trial, appellants or plaintiffs, and of prisoners serving a maximum three-year sentence or whose residual sentence is no longer than three years. Deportation cannot be requested by those who are in custody for various kinds of crimes (civil war, Mafia-related criminal associations, slaughter, murder, robbery and extortion with aggravating circumstances, abduction, subversive activities against the constitutional order, illegal production, smuggling, sale, possession and carrying of weapons and explosives in public places), but such a request can be accepted from someone serving a maximum three-year sentence even though it is the residual part of a longer sentence. In the case of a convicted person, the judge in charge of enforcing the judgement is competent to decide on the request; in the case of an accused person the prosecuting judge is competent.

36. Specific attention is paid in the Law to the issue of expenses for the deportation of the foreign prisoner when this measure is decided by an order of the judicial authorities. As laid down in article 8, deportation is characterized by two different phases, the expenses of which shall be borne by two different subjects:

(a) The escorting of the foreign prisoner to the border falls within the competence of the law enforcement agencies and therefore expenses shall be borne by the judicial authorities;

(b) The sending back to the country of origin falls within the competence of the police forces and therefore the expenses shall be borne by the Ministry of Internal Affairs only when the prisoner lacks his own financial means, which shall be verified by the prison authorities.

Situation of refugees and asylum seekers

37. The committee in charge of recognizing refugee status examined 1,766 applications in 1994, 1,732 in 1995 and 675 in 1996.

38. The General Directorate of the Ministry of Internal Affairs has carried out intense activity for purposes comparable to those underlying the Convention. In particular, it has acted as the secretariat of the committee,

ensuring steady cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and regular links with the Prefetture (local authorities) with a view also to favouring the social integration of these people through targeted aid. Its further task is to ensure first accommodation to displaced people coming from countries beleaguered by serious problems such as the former Yugoslavia and, more recently Albania.

39. A representative of the General Directorate has also actively participated in the meetings convened by the national committee for the European Year against Racism (1997) at the Presidency of the Council of Ministers-Social Affairs Department, as well as in the many initiatives envisaged and carried out for the Year.

Centres to provide first accommodation to immigrants

40. As already indicated in the previous report, the Italian Government and Parliament have taken many initiatives to adopt a series of significant legislative measures in order to set up centres designed to provide first accommodation to foreign immigrants. In particular, reference is made to the activities carried out by the relevant authorities in favour of the displaced people from the former Yugoslavia following the difficult situation which occurred in that country. In this respect the following is recalled: the entry into force of Law 465/94 concerning a further authorization for Lit 50 billion expenditure over the period 1994-1996 in order to continue the extraordinary measures already undertaken in those areas, and the subsequent Decree-Law 512 of 4 October 1996 for an appropriate regulation of the procedures for assistance and urgent social and humanitarian measures vis-à-vis the peoples of the former Yugoslavia.

Protection of foreign workers

41. The number of aliens working in Italy is ever-increasing, hence the need for more incisive action by the Government in order to face the various problems linked to the protection of the rights of this particular kind of worker. In this connection, the data provided on the matter have proved to be useful. This information has been provided by the Service for the problems of non-EU migrant workers and their families - a body set up under Law 493 of 30 December 1986 and operating since 1989 - in its monthly report "Rassegna informativa" and in its yearly reports. Since the beginning of its activities this Service has been gradually strengthening its task as a reference body for the initiatives promoted at central and local levels with a view to favouring the social and economic integration of non-EU migrant workers and their families in Italy.

42. At the central level some of the most significant measures taken by the Service can be stressed:

(a) The analysis and adoption, jointly with the Social Affairs Department of the Presidency of the Council of Ministers, of a joint document on the various difficult problems to be solved with reference to non-EU migrants;

(b) The many debates concerning some of the most complex issues in this regard: the planning of migration flows with the issue of an ad hoc decree on this important matter; the protection and integration of nomadic peoples in new realities; the solution of problems linked to family reunion, with specific reference to cases involving individuals such as the non-EU family members of Italian citizens and of members of producers' and workers' cooperatives; the conditions for the issuance of work permits for household staff from abroad;

(c) The working out of a draft legislative decree promoted by Government entitled "Rules on seasonal work and entry into Italy of non-EU citizens" within the framework of the working group on migration problems set up at the Presidency of the Council of Ministers and assisted by the Observatory for the Labour Market. This document lays out the precise course of action chosen by the Italian Government with specific reference to the need to rapidly streamline the procedures for the issuance of visas to non-EU workers employed for seasonal jobs.

43. At the local level, the Service's institutional activities have been strengthened through the expansion of its consultations with local offices on the issues related to the interpretation and implementation of the laws and regulations in force; the Service thus also renewed its cooperation with the reopened secretariat of the Consulta, a body which has assumed the main tasks in the sector of placing of non-EU workers. The Service has repeatedly expressed its opinion on the many projects worked out by the regions to promote peace and cooperation among peoples (Piedmonte and Basilicata), to set up working communities in the cities of the southern Mediterranean region (Campania) or with reference to the recent arrangements reached by the local authorities of the two shores of the Adriatic Sea (Veneto and Apulia on the one hand and Albania on the other). The Service has also provided its support to the relevant local authorities (regional Consulte and Assessorati) to overcome structural difficulties and obstacles, including those created by the allocation and use of the funds necessary to implement the various measures.

44. Reverting to the more general issue of non-EU citizens' work in Italy, the data for 1993-1994 provided by the Service shows that Italy's yearly demand for foreign workers roughly accounts for 23,000 requests and demonstrates that migration is linked to temporary, seasonal or household jobs (14,000 requests). In analysing the measures which might be adopted to face the problem of non-EU workers' "irregular" jobs, the Italian Government has worked on the basis of those estimates and has specified the legislation to which employers shall refer in hiring new seasonal workers. This specification proved to be necessary to regularize job offers under Law 355/95 aimed at non-EU citizens in Italy who have a job, declare currently to be working or to have worked for at least four months with the same employer. The subsequent Decree-Law 511 of 1 October 1996 laid down urgent measures on placing, employment and social security in the agricultural sector following the abolition of the Servizio per i contributi unificati (SCAU).

45. Over and above government initiatives, the supervisory activity of the local authorities in charge of labour (Uffici ed Ispettorati Provinciali del Lavoro) enabled us to sketch a sufficiently realistic picture of the labour market situation with respect to foreign workers.

46. After a special survey conducted in July-September 1994 involving 7,400 farms, 44,000 workers (of whom 4,000 were non-EU citizens) 7,638 offences were reported: 22 per cent of them concerned non-EU workers without residence or work permits or authorizations. The same survey conducted throughout 1994 led to similar results: 32,500 farms employing 832,000 workers were examined (more than 18,000 non-EU citizens) and 57 per cent of the labour force was found to be illegally employed.

47. However, considering the repeated attempts to control the labour market and the need to combat these phenomena so as to ensure the largest protection of the rights of all aliens working in Italy, great strides have undoubtedly been made to integrate these workers, particularly with reference to the possibility of recognizing in Italy the equivalence of diplomas and degrees acquired abroad for nursing, technical and rehabilitation jobs, as well as the specialist medical training acquired before starting to work in Italy (article 15 of Decree-Law 273 of 6 May 1994).

48. Another important result has been reached in the wider context of the law to reform the pension system where, for the first time, it is envisaged that non-EU workers who have ended their work and have left Italy may request the payment of the contributions paid for them at social security agencies, increased by 5 per cent yearly, in those cases when the matter is not regulated by international conventions. In this connection, the recent circular letter of the Istituto Nazionale della Previdenza Sociale (National Institute for Social Security) of 3 October 1996 has envisaged further innovations as regards the regulation of working relations involving non-EU citizens, defining the fundamental requirements of the procedures to be followed by both employers and workers in concluding work contracts, especially with a view to providing better guarantees in the social security sector.

Article 7: Education

49. In the fields of training, education, culture and information on racial discrimination, Italy has always paid attention to the guarantees for really protecting ethnic and linguistic minorities living in Italy. Ever greater attention has been paid to the issues of intercultural and multiracial education linked to the growing problem of the integration of non-EU citizens' children in Italian schools.

50. One of the fundamental aspects characterizing the present Italian school system is access. Article 34 of the Italian Constitution enshrines the principle whereby the school is open to everybody, both Italian and foreign citizens. It is envisaged that children of aliens living in Italy, irrespective of their citizenship, may be enrolled in the class of compulsory school following the one successfully attended in their country of origin and they may be taught "specific additional subjects in the language and culture of origin".

51. On this matter the following should be recalled:

(a) Circular letter 205 of 26 July 1990 on the integration of foreign pupils in compulsory school which is characterized by the notion of intercultural education;

(b) Circular letter 138 of 27 April 1993 entitled "Intercultural education to prevent racism and anti-Semitism";

(c) Circular letter 73 of 2 March 1994 entitled "Intercultural dialogue and democratic coexistence: the commitment of schools".

The last two circular letters have introduced the notion of interracial tolerance: it must be reaffirmed in schools in order to make pupils understand - from the very beginning - to what extent solidarity among different cultures and traditions is significant in today's society.

52. It is also appropriate to recall Decree-Law 297 of 16 April 1994 which has defined the additional subjects to be taught to non-EU pupils and the possible catching-up mechanisms to be used for those who have difficulties in integrating in Italian schools due to the different learning methods.

List of annexes

I. Crimes of racial or ethnic discrimination

II. Convictions for crimes of racial or ethnic discrimination

III. Crimes attributed to foreign prisoners in Italy at 31 March 1997

IV. Foreign prisoners in Italy at 31 March 1996

V. Foreign prisoners in Italy at 31 March 1997 according to nationality

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